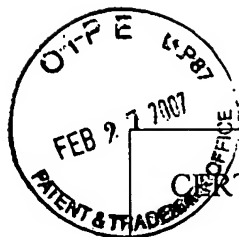


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030685

IN RE APPLICATION OF

Stephan CopelandSerial No.
10/783,793Filed
02-20-2004FOR
Mechanical Arm with Spring CounterbalanceGRP. ART UNIT
3632EXAMINER
Anita M. King

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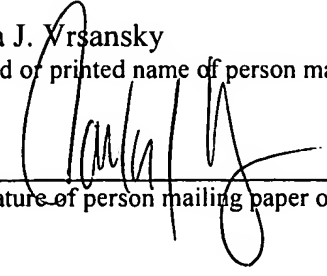
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 10/783,793
Applicant : Stephan Copeland
Filed : February 20, 2004
Title : MECHANICAL ARM WITH SPRING COUNTERBALANCE
:
Group Art Unit : 3632
Examiner : Anita M. King
:
Docket No. : 030685

APPELLANT'S REPLY TO EXAMINER'S ANSWER

Remarks

These Remarks are provided in response to the Examiner's Answer dated December 27, 2006 in the above referenced appeal. This response is being resubmitted and, for all intents and purposes, is a duplicate of Appellant's response dated April 28, 2006.

As an initial matter, Appellant has noted that the Examiner in her Answer on page 3 inadvertently failed to clarify which Spadea reference is to be considered as prior art, per the Order Returning Undocketed Appeal to Examiner dated September 19, 2006 from Dale M. Shaw, Deputy Chief Appeals Administrator.

Appellant left a voice mail for the Examiner on February 23, 2007 and spoke directly with the Examiner on February 26, 2007 to point out this oversight. The Examiner is in the process of correcting the proper patent number to the Spadea reference so that the case will not be once again returned to the Examiner.

As to the Examiner's substantive Answer, which is identical to the Examiner's original Answer dated March 3, 2006, the Examiner sets forth several specific arguments to the

Appellant's Brief in the Response to Argument section of the Answer. As previously submitted in the Appellant's Reply dated April 28, 2006, the Appellant is in disagreement with several points made by the Examiner.

The Examiner states that the springs in Sträter are indirectly attached to the linkages and the pivot points through rod segments 26 and 27 and lever 23 which are directly attached to the fixed support 30 and the pivot points via the brake shoe 19, respectively. First, the Examiner states that the springs in Sträter are *indirectly* attached. However, the claims of the application do not claim a spring which is indirectly attached but instead claims first and second springs which are "attached." The word "attached" in this context must be interpreted as being a direct connection between the spring and a point on the claimed structure. Had the Appellant meant to imply that the springs were indirectly attached to the structure, the term "indirectly" would have appeared in the claims. The Examiner should thus be prevented from interpreting the word "attached" to encompass the meaning "indirectly attached".

Further, the Examiner states that the springs are indirectly attached to the linkages and the pivot points through rod segment 26 and 27 and lever 23. The springs in Sträter, however, are not attached to rod segments 26 and 27 and therefore cannot be attached to the pivot points through rod segments 26 and 27. Instead, the spring is compressed between shoulders defined on rod segments 26 and 27, but no attachment exists between the spring and the rod segments. Thus, although the rod segment 27 is attached to fixed support 30, the spring is not attached to either of rod segments 26 or 27. Likewise, the Examiner states that the springs are indirectly attached to the pivot points via brake shoe 19 and lever 23. However, lever 23 connects to spreading member 21, which is not connected to brake shoe 19. Spreading member 21 is the

oval shaped member which rotates in the gap of brake shoe 19 to either spread or relax brake shoe 19. If the longer axis of spreading member 21 is aligned within the gap in the brake shoe 19, the brake is applied. If the shorter axis of spreading member 21 is aligned with the gap, the brake shoe is relaxed and the linkages may rotate. In any case, the spring may in no sense be interpreted as being "attached", either directly or indirectly to brake shoe 19.

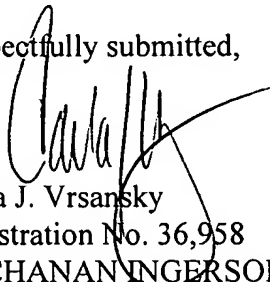
Thus, the Appellant's argument here is twofold. First that the spring in the present application is "attached" and not "indirectly attached" and second, even if the spring of the present invention were indirectly attached, the means for indirectly attaching the spring in Sträter through linkage 23 and spreading member 21 does not form an attachment with brake shoe 19.

A Request for an Oral Hearing was filed October 13, 2005 with the United States Patent and Trademark Office. A copy of the original Request, the firm's Check No. 11997 in the amount of \$1,000.00 for the fee, and the dated and stamped return post card are attached hereto as evidence of this request. Therefore, it is believed that there is no need to repeat the Request for an oral hearing. If Appellant's attorney is incorrect, in this belief, please charge Appellant's Deposit Account No. 02-4800 for the fee of \$1,000.00 for the Request for an Oral Hearing.

Conclusion

Sträter does not disclose key elements of the invention as claimed in Claims 1-2 and 7-10, as discussed above. Therefore, the Appellant requests a reversal of the Examiner's rejection thereof under 35 U.S.C. § 102(b).

Respectfully submitted,



Dated: February 26, 2007

Carla J. Vrsansky
Registration No. 36,958
BUCHANAN INGERSOLL & ROONEY, P.C.
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410
(412) 562-1639

Attorney for Appellant



Serial No.: 10/783,793 Filing Date: 02-20-04 BIPC File No.: 030685
Title: Mechanical Arm with Spring Counterbalance
Applicant: Copeland Date: 10-13-05

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